

AMENDMENT UNDER 37 C.F.R. § 1.111
APPLICATION NO. 09/493,091
ATTORNEY DOCKET NO. Q57709

REMARKS

General remarks.

Claims 1-14 are all the claims pending in the application. The claims have been amended for improved conformity with US practice. Claim 1 has been amended to require that the channels being regenerated are predetermined. This claim amendment is well supported in the originally-filed application; no new matter has been added.

Applicant has remedied the problem with claim 2, and respectfully requests the Examiner to withdraw the rejection under 35 U.S.C. § 112 in view thereof.

The examiner objected to figures 1-6 because of a lack of descriptive legends for the boxes, as well as a few other formalities. The Examiner's attention is respectfully drawn to see the two substitute drawing sheets enclosed in the Appendix. Descriptive labels have been added to Figs. 1, 2, 3, and 6. Reference numeral "4" in Fig. 2 has been changed to 14 for the sake of harmony with the specification. Reference numeral "16" has been added to Figs. 2 and 3. The drawings included at the appendix include descriptive legends for the boxes, and the specification has been appropriately amended so as to be in accord with the newly added descriptive legends.

The Examiner asked Applicant to add a "prior art" label to Fig. 1. Applicant respectfully requests the Examiner to reconsider this request. When the regenerators 10 shown in Fig. 1 are the regenerators as set forth in Figs. 2-6, then Fig. 1 does not show a system with "only that which is old". The figure applies to both the prior art and to the inventive approach, and so Applicant respectfully submits that it could be confusing to the reader to add a prior art label. Applicant therefore has not made this requested change to the Fig. 1 and respectfully requests the Examiner to accept Fig. 1 in its present form.

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The prior art rejection.

The Examiner rejected claims 1, 3, 8, 11-12 under 35 U.S.C. § 102(e) as being anticipated by Uehara (U.S. Patent 6,256,125 B1). Applicant respectfully traverses this rejection, first with respect to independent claim 1, as now amended, in view of its requirement for:

wherein each one of the set of channel regenerators regenerates only a predetermined respective group of channels, each respective group forming only a subset of said set of channels.

For the sake only of linguistic convenience, Applicant will refer to the foregoing requirement as the "predetermination" requirement.

Uehara does not meet the predetermination requirement. In Uehara, whether a channel is regenerated or not depends on the control signal received. When a node actually does do a regeneration, it modifies the control signal to indicate this (column 6, lines 38-41) for the benefit of successive nodes. Thus, in Uehara, the group of channels to be regenerated is not predetermined, and Uehara is therefore respectfully submitted to not meet the predetermination requirement of claim 1, as now amended.

Since Uehara does not meet the predetermination requirement of claim 1, Uehara is deficient with respect to claim 1 and therefore does not anticipate the claim within the meaning of 35 U.S.C. § 102. After studying Uehara, Applicant finds therein no teaching or suggestion that would have enabled the artisan of ordinary skill to achieve the predetermination requirement without spoiling the way that the network in Uehara works. Applicant therefore respectfully submits that Uehara would not have (and could not have) enabled the person of ordinary skill to achieve the subject matter of claim 1 in any obvious manner.

In view of the amendments to claim 1, and the foregoing remarks, Applicant respectfully requests the Examiner to withdraw this rejection of independent claim 1, and also of its dependent claims 3, 8, and 11-12.

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As to the rejection of the other dependent claims (namely 2, 4-7, 9, 10, 13, and 14), Applicant respectfully points out that the prior art rejections are all based on Uehara. Applicant respectfully submits that none of the combinations of Uehara with the other applied references render unpatentable the subject matter of independent claim 1, let alone its dependent claims. In particular, Applicant respectfully submits that the combined teachings of these references, alone or in any combination with Uehara, taken as a whole for what they would have meant to the artisan of ordinary skill, would not have enabled such a person to have achieved a system that meets the predetermination requirement, as well as all the other requirements of claim 1. Any such resulting system would have lacked the predetermination requirement.

Applicant therefore respectfully requests the Examiner now to reconsider the rejection under 35 U.S.C. §103(a), and to withdraw it in view of the amendments to claim 1 and the points just presented.

Conclusion and request for telephone interview.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

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Applicant files herewith a Petition (with payment) for an Extension of Time of three months.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: March 11, 2003